

REMARKS

Prior to entry of this response, Claims 18-22, 48, 49, and 56-60 were pending and under consideration, with Claim 48 withdrawn as being drawn to a non-elected Group. Claims 19-21 are allowed. Claims 18, 22 and 49 stand rejected and Claims 56-60 stand objected to.

With this amendment, Applicants have canceled Claims 18 and 49. Applicants have amended Claims 22, and 56-60 to more clearly point out and distinctly claim the subject matter of the present invention. No new matter has been added by these amendments and Applicants respectfully request entry. With respect to all amendments and cancelled claims, Applicant has not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicant reserves the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Allowable Subject Matter

Applicants acknowledge the allowance of Claims 19-21.

Applicants acknowledges the Examiner for indicating that Claims 56-60 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In the interest of expediting prosecution and an early allowance, Applicants have amended claims 56-60, to include all the limitation of independent Claim 18. Applicants respectfully submit that independent claims 56-60 are now allowable.

Response to Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claim 22 stands rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement for using the phrase “host cell”. Applicants traverse this rejection. However, in the interest of expediting prosecution Applicants have amended Claim 22, to replace the phrase “host cell” for the phrase “isolated host cell”, as suggested by the Examiner.

Applicants respectfully submit that with this amendment, the rejection of Claim 22 under 35 U.S.C. §112, first paragraph, should be withdrawn. Applicants respectfully submit that Claim 22 is allowable.

Response to Claim Rejections Under 35 U.S.C. § 102(a)

Claims 18 and 49 stand rejected under 35 USC §102(a), as being anticipated by Alewijnse *et al.* (Molecular Pharmacology, 2000). Applicants traverse this rejection. However, in the interest of expediting prosecution, Applicants have canceled Claims 18 and 49 and the rejection is moot.

Conclusion

Based on the foregoing, Applicants believe that the present application is in condition for allowance. If any matters can be resolved by telephone, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,
DORSEY & WHITNEY LLP

Dated: 2/15/06
Customer Number: 32940
Dorsey & Whitney LLP
Intellectual Property Department
555 California Street, Suite 1000
San Francisco, CA 94104-1513
Telephone: (415) 781-1989
Facsimile: (415) 398-3249

By: Michael F. Kolman
Michael F. Kolman, Reg. No. 54,234 for
David J. Brezner, Reg. No. 24,774